

**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

*DECISION*

**Applicant:** Gretchen Westhoven, Alpha Chi Omega House Corporation

**Date application filed with the Town Clerk:** August 12, 2004

**Nature of request:** A Special Permit to change a kitchenette into a bedroom, to make the house more fire safe, pursuant to Section 9.22 of the Zoning Bylaw,

**Location:** 38 Nutting Avenue (Map 11A, Parcel 87, R-G Zoning District)

**Legal notice:** Published in the Daily Hampshire Gazette on August 25<sup>th</sup> & September 1, 2004, and sent to abutters on August 19, 2004.

**Board members:** Zina Tillona, Joan Golowich, David Stowell

**Submissions:** The Petitioner submitted the following:

- Drawings with dimensions and photos of the existing kitchenette.
- A management plan
- House rules for facilities owned/managed by the National Housing Corporation.
- A complete set of plans drawn by John Churnyar in 1962 when the sorority house was built, with the second floor kitchenette space labeled as "lounge".

**Site Visit:** September 7, 2004.

At the site visit, the Board noted that the sorority house is located at northern end of Nutting Avenue and adjacent to the University of Massachusetts. There are several other sororities/fraternities in the immediate area. Parking for the Alpha Chi Omega House is immediately across the street and ample for the residents of the house. The house and grounds are well maintained.

Jane Winans, House Director, gave the Board a tour of the second floor bedroom area, and the proposed new bedroom. Currently this area is used as a study room. Ms. Winans also showed the Board an existing six-person room, which the University Fire Chief has recommended reducing to three occupants for safety reasons. The first floor of the sorority house is used for living, dining and study.

**Public Hearing:** September 9, 2004

Jane Winans, House Director for the Alpha Chi Omega Sorority, presented the petition to

the Board. She said that the sorority house has two bedrooms with six women each. These rooms are too small for six beds and are very crowded, especially with the need for computer and study space. The sorority management would like to convert a 15.9' by 15.9' room, formerly a kitchenette, to another bedroom in order to relieve the crowding. The kitchenette was installed in the 1980's but never used. The kitchen equipment was removed this year and the room converted to a temporary study space.

The petitioner stated that the University Fire Chief inspects the sorority every semester, and has supported the plan. Fire safety codes have changed since the building was constructed, and fewer people per room is now the standard.

Occupancy allows for 43 students plus resident staff. Currently there are 40 students living in the house, but sorority rush this fall can add three more residents to the house.

There will be no other changes to the building. Parking for the sorority house across the street will remain unchanged.

No members of the public spoke concerning this request.

Joan Golowich moved to close the hearing; David Stowell seconded the motion, and the vote was unanimous.

### **Public Meeting:**

The Board noted that this is a straightforward request. Occupancy would be redistributed, not increased, with the additional bedroom. Zoning Districts near the University have changed since the construction of the sorority house – this area formerly was designated as a Fraternity District. Several years ago the area was re-zoned to General Residence, and the Zoning Bylaw does not allow for sororities/fraternities in an R-G District. The house became non-conforming; hence the need for a Special Permit for changes in bedroom space.

### **Findings:**

The Board finds under Section 9.22 of the Zoning Bylaw, Non-Conforming Uses and Structures, that the proposed changes to this house will be minimal. There are no external changes and no occupancy changes. Creating another bedroom will improve safety for the house, and will be less detrimental to the neighborhood than the existing configuration of the building.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings, that:

10.380, 10.381, 10.382, 10.383, 10.385 – The sorority is located next to the University and adjacent to other sorority houses. It is an attractive building, nicely landscaped and well maintained. The proposed change is an internal one and will have no impact on the neighborhood.

10.384 – The proposal will increase the overall safety and comfort level of the students living in the house. By removing a kitchen, the most common location for a house fire, fire safety for the house will be improved as well.

10.387 – Parking for the house is ample and is located across the street. The street ends at the house and parking lot, and there is adequate room for safe vehicular and pedestrian movement.

10.398 – The proposal is in harmony with the general intent of the Bylaw, in that it promotes the safety, convenience and general welfare of the inhabitants of this sorority house.

**Zoning Board Decision:**

Joan Golowich moved to APPROVE the petition; David Stowell seconded the motion.

For all of the reasons stated above, the Board VOTED TO APPROVE a Special Permit to change a kitchenette into a bedroom and make the house more fire safe, pursuant to Section 9.22 of the Zoning Bylaw on the premises at 38 Nutting Avenue, (Map 11A/Parcel 87, R-G Zone), subject to conditions.

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ZINA TILLONA

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JOAN GOLOWICH

\_\_\_\_\_  
DAVID STOWELL

FILED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2004 at \_\_\_\_\_,  
in the office of the Amherst Town Clerk \_\_\_\_\_.

TWENTY-DAY APPEAL period expires, \_\_\_\_\_ 2004.  
NOTICE OF DECISION mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2004  
to the attached list of addresses by \_\_\_\_\_, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
in the Hampshire County Registry of Deeds.

**Town of Amherst**  
**Zoning Board of Appeals**

*SPECIAL PERMIT*

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Gretchen Westhoven, Alpha Chi Omega House Corporation, to change a kitchenette into a bedroom, to make the house more fire safe, pursuant to Section 9.22 of the Zoning Bylaw, on the premises located at 38 Nutting Avenue, (Map 11A/Parcel 87, R-G Zoning District) subject to the following conditions:

1. Occupancy shall be limited to 43 students.

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ZINA TILLONA, Chair  
Amherst Zoning Board of Appeals

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DATE